HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

Writ Appeal (PR) No. 2489 of 2007

WA - 147/07

APPELLANT: PETITIONER : Smt. Yamini Sharma W/o. Dr. Ashok Kumar Sharma, aged about 43 years, R/o Bramhimpara, Rajnandgaon, Distt-Rajnandgaon (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh Through :- Secretary, Public Health and Family Welfare, D.K.S. Bhawan, Raipur (C.G.)

2. Chhattisgarh Public Service Commission, Through - its Secretary, Raipur (C.G.)

3. Chandrawati Chopda Ayurvedic Medical Officer Hatneera, District Ratlam (M.P.)

Writ appeal under Section 2 of the High Court of C.G. Act 2006 read with Rule 156(10) of the C.G. High Court Rules of 2005

Present : Shri N.K. Chatterjee, counsel for the appellant.
Shri Vinay Harit, Deputy Advocate General for the State.

ORAL ORDER
(Passed on 02nd July, 2007)

The following oral order of the Court was passed by **Jagdish Bhalla, Ag. CJ.**

Heard.

There is a delay of 215 days in filing this writ appeal. The delay in filing the appeal is condoned.

On merits of the case, it has been submitted on behalf of the appellant that though Hon'ble Single Judge allowed the petition, he has not granted any compensation. Learned counsel for the appellant concedes that no such relief

was claimed in the writ petition, however, he submits that oral request was made for compensation. He further concedes that no such affidavit in support of oral request before the Hon'ble Single Judge, has been filed before this Court. It has also been submitted on behalf of the appellant that since the writ petition has been allowed on merits, counsel for the appellant restricted his prayer only with respect to the compensation. In absence of such prayer and in view of the failure on the part of appellant to substantiate that compensation was demanded, no interference is warranted in this appeal. Accordingly, the writ appeal is dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge